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Review Article

Michael Saward: *Deliberation, Difference and Democratic Institutions*

Seyla Benhabib (ed.): *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton, NJ, Princeton University Press, 1996, 373 pp., hardback £35.00, paperback \$16.95.

Amy Gutmann and Dennis Thompson: *Democracy and Disagreement*, Cambridge, Mass. and London, The Belknap Press, 1996, 422 pp., hardback £18.50.

James G. March and Johan P. Olsen: *Democratic Governance*, New York, Free Press, 1995, 292 pp., hardback £20.00.

Although the tone and style of each of these books differs markedly, the core concerns that unite them can be blended into a composite question: where has democracy come from, how much can we learn from its history, and to what extent should these lessons qualify where we think it might, and should, be going?

Not least because 'identity' is important in these books, the 'we' in the question is worth a comment. These are all American texts, though four of the nineteen contributors to the Benhabib volume are not US authors. March's and Olsen's text makes practically no reference to any country, though it is implicitly about the USA primarily. Gutmann and Thompson more explicitly take the USA as their referent. The major themes of the Benhabib volume engage core US debates around democracy, identity, difference and the limits of universalist, individualistic liberalism (though there are exceptions, notably Will Kymlicka's useful account of multi-cultural citizenship in Canada). In itself, the rootedness of these volumes is no bad thing, and hardly unusual. But the themes covered, and prescriptions for democracy offered, often carry an air of universal applicability that, ironically enough, is helped along by a modest dose of national myopia.

There is a great deal that is innovative and provocative in each volume; we would expect no less, given the track record of all of the authors involved (the list of contributors to the Benhabib volume is close to being a roll-call of the great and good in current Anglo-American democratic theory). Each builds upon – and pushes back the boundaries of – distinctive traditions of writing about democracy. March and Olsen draw on old and new traditions of exploring democratic institutions – and

indeed they can claim to be the originators of the most recent branch of 'institutionalism'. Gutmann and Thompson build upon Rawlsian and post-Rawlsian debates in political philosophy, showing how key themes and principles in that field might creatively be reconciled with democratic thought and practice. Many of Benhabib's contributors operate at the more abstract, idealistic and radical end of democratic theory, restless with the deficiencies and compromises of actually existing liberal democracy, the heirs in many ways of the 1960s and 1970s 'participationist' school of democratic theory.¹

THE PULL OF AN 'OUGHT' AND THE RESISTANCE OF AN 'IS'

Comparing and contrasting selected key features of each text can be a fruitful exercise. As Giovanni Sartori has put it, democracy is about 'the pull of an ought and the resistance of an is',² the most interesting and politically important concerns about democracy's present and future emerge, for example, in the contrast between March's and Olsen's more cautious 'is' and some of the outer-edge, idealistic 'oughts' of authors like Iris Marion Young in the Benhabib volume. Accordingly, after a brief run-through of each book, I shall pick up contrasting approaches to common themes of democratic deliberation, difference and institutional innovation.

March and Olsen are motivated to answer two questions: 'What sorts of citizens and institutions does it take to constitute a democratic society? How can such institutions and citizens be fostered?' (p. 47). They reject the claim to primacy of 'exchange' approaches to the study of politics, which focus primarily on individual purposes, intentions, and rational choices made by actors with pre-given preferences. Instead, they continue the work of their earlier *Rediscovering Institutions*³ by stressing the ways in which practices and rules (both formal and informal) evolve in democratic systems and act as constraints on the attitudes that groups and individuals adopt, and on the choices they make. Their approach combines description and prescription; in describing what we may have learnt about institutions in democratic governance, they glean insights into what governing institutions can do to promote a balanced combination of stability and inventiveness for the future.

¹ See for example C. B. Macpherson, *The Life and Times of Liberal Democracy*, Oxford, Oxford University Press, 1977; C. Pateman, *Participation and Democratic Theory*, Cambridge, Cambridge University Press, 1970.

² G. Sartori, *The Theory of Democracy Revisited*, Chatham, NJ, Chatham House, 1987, p. 8.

³ J. G. March and J. P. Olsen, *Rediscovering Institutions*, New York, Free Press, 1989.

One gets a sense from March and Olsen that, for modern democratic institutions in general, there is a fine balance to be struck between the necessarily autonomous functions of government and the fostering of citizen outlooks that lead to effective accountability of government. This sounds like common sense; indeed, their coverage of an enormous range of themes linking institutional continuity and change is more original in the parts than in the whole. March and Olsen acknowledge as much at the outset: 'The ideas [in the book] are not particularly novel. They are even, perhaps, self-evident' (p. 3).

Using their key categories, political *identities* must combine rooted authenticity and 'difference' with common conceptions of community good and a disposition to pursue it; part of 'the craft of democratic governance', they argue, is developing institutions which 'are capable of maintaining trust and mutual affection within a polity while simultaneously accommodating enduringly inconsistent sub-group demands based on family ties, religion, ethnicity, language, or personal affinity' (p. 55). (I return to this theme below.) Balance must be achieved between fostering political *capabilities* required for effective government and the need for democratic political control of leaders and experts. Similarly, when it comes to political *accounts*, the balance needs to be struck between the need for action and the need for justifications for action; accordingly, democracy depends on 'structural arrangements that make accountability primarily periodic and posterior, rather than continuous and prior' (p. 151). On political *adaptiveness*, the striking fact of the similarity of configurations of democratic institutions from one country to another (p. 224) ought not to crowd out institutional experimentation. Indeed, a useful interplay between a view of the gradual, punctuated evolution of complex institutional configurations, on the one hand, and the need for creative thinking about new democratic forms that might foster new important identities, capabilities, and accounts, on the other, runs through the book.

Democratic Governance can be a dizzying, disorientating read despite its admirable clarity, clear-headedness, and commonsensical character. Its wide coverage of major issues means that problems such as developing capabilities for supranational politics, and possible future restructuring of the franchise, are dealt with rapidly. There is something for everyone; above all, anyone with concerns about democratic design and the practical and normative constraints that attend it will find much to chew over.

The subtitle of Gutmann's and Thompson's *Democracy and Disagreement* is 'Why moral conflict cannot be avoided in politics, and what should be done about it'. The sources of moral conflict – self-interest, scarcity, incompatible values and ignorance – will not go away. American democracy and its attendant theoretical models and assumptions fall well short

of the ideal in their capacity and willingness to deal with moral conflict – examples of which in the book include preferential hiring, ‘workfare’ versus welfare, abortion, and surrogate parenthood. Particular targets are two conceptions of democracy, ‘procedural’ and ‘constitutional’, which (according to these authors) confine moral argument to the realm of private conscience and opinion and to rarefied judicial interpretation far distant from ordinary politics respectively.

‘DELIBERATIVE DEMOCRACY’

Gutmann’s and Thompson’s preferred conception of democracy is ‘deliberative democracy’. Their long, immaculately written and sophisticated book is the most extensive effort yet to specify and defend a deliberative conception of democracy, the most influential strand in American democratic thinking for at least ten years (see discussion below). The ‘core idea’ of this conception, they argue, is that ‘when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions’ (p. 1).

The heart of the book consists of elaborate, illustrated elucidation of the six principles that should attend deliberation, at least in an ideal configuration. On their view, deliberative democracy ‘consists of three principles – reciprocity, publicity, and accountability – that regulate the process of politics, and three others – basic liberty, basic opportunity, and fair opportunity – that govern the content of policies’ (p. 12). Arguably, reciprocity is the key, in terms of deliberative *procedures* at least; this principle ‘tells citizens to appeal to reasons that are recognisably moral in form and mutually acceptable in content’ (p. 57). Even where moral disagreement survives fulsome, proper deliberation on a contentious moral issue, like abortion, the resulting disagreement might at least be characterized as ‘deliberative disagreement’, where agreeing to disagree can accompany mutual respect through recognition of the integrity and sincerity of one’s opponents and the reasonableness of the principles upon which their views are based.

Attentive readers of Gutmann’s and Thompson’s book will be found among specialized audiences in applied political philosophy in the fields of health care, welfare and income, surrogate parenting and preferential hiring. Each is subjected to a virtuoso exploration in the light of the principles that ought to govern the outcome of democratic deliberation – liberty and the variants of opportunity. In the case of welfare, income and ‘workfare’, the authors even get down to the level of specific policy prescription (p. 294).

But of course the book is meant to be more than this – and there’s the

rub. A basic tension between the need for *actual* citizen and government deliberation to resolve issues – ‘... a deliberative perspective expresses as complete a conception of a common good as is possible within a morally pluralistic society’ (p. 93) – and the authors’ proclivity for showing, quite precisely, how certain contentious moral issues *ought* to be resolved, runs through the book. The tension arises from the difficult relationship between the essentially procedural principles – reciprocity, etc. – and substantive principles such as basic liberty. Gutmann and Thompson do not want to leave too much to chance. They want extensive deliberation, but they do not want moral issues left only to the mercy of deliberation. They want to keep a tight rein on what might, independently, count as an acceptable, principled outcome. Rightly enough, they stress at various points the mutual implication of procedural and substantive principles. Both ‘content’ and ‘condition’ principles can be interpreted and challenged in the process of deliberation itself (p. 201). Nevertheless, there emerges a real sense of the authors wanting to have their cake and eat it. Although there are no single right answers in a pluralistic world, and therefore deliberation through principled procedures should be the highest aim of democrats (and the best justification for resulting policies being accepted), they appear all too ready to say what the right answers are with respect to some pressing American moral disputes.

This criticism is not meant to be damning. It is all too understandable for those who wish to steer a path between early Rawlsian certainties about right principles (and possibly outcomes) and democratic theory traditions that are strongly procedural in focus. Again putting it too simply, the problems with Gutmann’s and Thompson’s effort illustrate the pitfalls accompanying what otherwise appears a highly desirable development – reconciling and combining the strengths of separately influential American discourses of the past quarter century on ‘democracy’ and ‘social justice’ respectively.

Elaborating the ‘deliberative model of democracy’ is arguably the core theme of *Democracy and Difference* too, though there is much more besides. In a volume displaying a healthy degree of mutual argument between chapters, coping theoretically and institutionally with ‘difference’, the dilemmas of ‘identity’ in democratic politics, and the question ‘does democracy need foundations’ get a sophisticated airing. The lines of mutual interaction between these different issues within the volume are complex – too much so to be explored at any length here. Gutmann (again) argues that deliberation provides the best justification for democracy, and that disputes about ‘foundations’ are an unnecessary distraction beyond that. Iris Marion Young’s advocacy of ‘communicative democracy’ – the most radical version of the deliberative model

discussed in the volume — is in large part based on the extent to which it can allow difference and the politics of identity its fullest expression.

A persistent theme linking most contributions is the mixed legacy of universalist, individualistic liberalism for a modern democracy that must somehow accommodate assertions of particularistic identity and difference without discarding safeguards of basic rights and standards of justice. In this vein, for example, Anne Phillips lucidly sets out the democratic promise of the 'politics of presence', where one's interests can only be represented adequately by someone drawn from one's primary subgroup within a society, while recognizing the dangers of 'essentializing' group identities by formalizing the representation of particular identities; Kymlicka describes Canada's efforts to institutionalize multi-nation, multi-ethnic and multi-cultural politics; and Carol Gould defends her preferred conception of universally applicable standards of equality and liberty against efforts to move too far in accommodating difference. Otherwise especially noteworthy contributions, are convincing reminders from Fred Dallmayr and Carlos A. Forment, of why multiculturalism and hybrid identities are so important for democrats to deal with; Bonnie Honig's playfully insightful turning inside-out of Bernard Williams's noted illustrations of utilitarian reasoning; and succinct interventions into the 'foundations' debate by Richard Rorty and Robert A. Dahl.

To this reviewer's mind, though, the real highlight of *Democracy and Difference* is the editor's own account of the deliberative model, 'Towards a Deliberative Model of Democratic Legitimacy'. Benhabib's contribution, alongside others on deliberation from Jurgen Habermas, Joshua Cohen and Iris Marion Young is, however, best addressed by opening out the discussion. Accordingly, I turn to key themes in each of the three books dealing with a) the status and siting of deliberative democracy, and b) conflicting views on the interplay of deliberation and difference.

Benhabib's chapter in her volume clarifies and defends the deliberative model of democracy. Her version shares key features with that of Gutmann and Thompson. Given irreducible pluralism, the best we can do is to hold to a proceduralist conception of democracy. But, faced with citizens who may be ill-informed, unsure of their preferences and whose thinking is often based on narrow horizons, the outcomes from straightforward majoritarian liberal democratic procedures may lack a larger rationality. Deliberation is vital to rationality, broadening the horizons and reasoning of participants and ultimately encouraging the adoption of a more 'impartial standpoint' on issues. Likewise, the legitimacy of outcomes can be a function of how much (of the appropriate kind of) deliberation went into its making: 'legitimacy in complex democratic societies must be thought to result from the free and unconstrained public deliberation of all about matters of common concern' (p. 68). The themes of rationality, impartiality and

legitimacy find echoes in the chapters by Joshua Cohen and Habermas, as well as in Gutmann and Thompson.

Like Gutmann and Thompson, Benhabib offers an attractive vision, elucidating a key ingredient of ideal democratic practice. However, there is something of a sleight of hand involved. Benhabib and other contributors start with 'the deliberative model of democracy'. Naming it in this way immediately brackets off liberal, individualistic and majoritarian ways of thinking about democracy. It does so in a way that implies that the deliberative model is self-sufficient – that deliberation of a certain sort *could* indeed be the major ingredient in an ideal but fully functioning and practical democratic system. Whatever the merits of the specific features of the deliberative models they advocate, writers like Benhabib and Cohen tend to underrate considerably the basic fact that majority votes must decide democratic outcomes where, even after deliberation, views conflict. More broadly, they do not appear to take sufficiently on board the fact that the modern state is, inevitably, structurally hierarchical, secretive, and unequal in the resources it grants to participants in and against its processes. In short, while deliberation may well be an ideal *part* of democratic processes, it can only *be* a part; it cannot be seen as the totality of a democratic decision-making process, nor can it be appropriately practised in any and all key institutions in a democratic system (note here Jane Mansbridge's timely reminder of the inevitability of coercion in the practice of democracy, in *Democracy and Difference*). In short, this is not properly a 'model of democracy', but rates as a desirable *ingredient* within a larger theory of democracy; an element within a larger, more complex system of democratic structures rather than a self-contained substitute for some other, inherently separate model of democracy. To illustrate this point, I invite readers to examine Robert A. Dahl's *Democracy and Its Critics*⁴ – a work readily dismissed as proceduralist and majoritarian by some deliberationists – for an inventory of issues critical to a full theory of democracy that works by Gutmann and Thompson, Benhabib, Cohen, Habermas and others, with their narrower focus, leave out.

The question of *where* deliberative forums might be fostered within the architecture of democratic systems dovetails with the above point. Earlier influential accounts of deliberative democracy were notable for starting with grand critiques of merely 'plebiscitary' or 'aggregative' conceptions of democracy, and then lowering the expectations of readers by recommending limited deliberative forums – as part of US presidential nomination procedures or within political parties.⁵ The works under review

⁴ R. A. Dahl, *Democracy and Its Critics*, New Haven, Yale University Press, 1989.

⁵ See J. S. Fishkin, *Democracy and Deliberation*, New Haven, Yale University Press, 1991, and J. Cohen, 'Deliberation and Democratic Legitimacy', in A. Hamlin and P. Pettit (eds), *The Good Polity*, Oxford, Basil Blackwell, 1989.

broaden the range of possible forums, but do little more than these earlier efforts to reconcile themselves to the inevitably non-deliberative features of real democratic systems. Broadly speaking, they recommend enhancing old and fostering new deliberative forums both in the state and outside it in civil society, and in formal and informal settings. Joshua Cohen writes of the role of associations, and Benhabib (following Nancy Fraser) of 'subaltern counterpublics' and 'protected enclaves' of oppositional societal deliberation. Gutmann and Thompson argue that deliberation would not be confined to the elite few, or any particular locations within political systems; it ought to be 'part of the fabric of political life throughout government and in public life generally' (p. 7). Both Habermas and Benhabib note the centrality of parliament and its traditions of debate. This constitutes an impressive menu of possibilities; I would contend none the less that further enlightenment on the issue of the appropriate siting of deliberation awaits the blending of aggregative, statist understandings of democracy and the insights of the deliberative 'model' within a larger realist theory of democracy that takes inevitable trade-offs and dilutions of democratic practice fully on board. And this, as I suggest, should start with something like Dahl's seminal text rather than the avowed deliberationists, primarily due to the real tensions in the work of the latter between their criticism of democracy as it is and the implicit reliance of their preferred 'model' on a wide array of existing, non-ideal institutions.

CONCLUSION

So, arguably at least, statism, the inevitability of aggregation, representation, coercion and the demands of time are all much more germane to the status and siting of deliberation than advocates suggest. Finally, when it comes to deliberation's capacity to capture procedural needs arising from the assertion of identity and the politics of difference, things are also less clear-cut than the more sanguine analyses would have it. Against the institutionalization and celebration of group difference through deliberative procedures which aim towards the common good, inclusiveness and more fine-grained representation of interests in chapters by Cohen, Young, Phillips and others in *Democracy and Difference*, March and Olsen offer salutary reminders of the opposite view. Without 'a framework of shared values and substantial agreement about what is morally acceptable and cognitively plausible', they write, 'talk is likely to accentuate differences rather than reduce them, escalate conflict rather than de-escalate it' (pp. 62-3). Conflicts arising from (among other things) clashing identities might be better managed by concealing them

through 'restricting each to particular times and places using different logics and principles' (p. 79), and dealing with contentious issues sequentially rather than concurrently. Similarly, a certain 'hypocrisy' may be functional for democracy: 'Democratic procedures of discourse seek systematically to subordinate authenticity in the expression of personal feelings, intentions, and motives to a ritualized politeness that mimics a community of shared commitments, values and affection' (p. 85). However, just as the deliberationists may be overstating the status and potential for deliberative forums, so March and Olsen may be too functionalist in their approach to appreciate fully the need for radical new thinking about democratic institutions.

These brief comments only scratch the surface of what these books have to offer, and of the questions they raise. Each has a great deal to commend it, and ought to be read by all whose concerns lie within or across the master question: how can, and how should, democracy be institutionalized and practised?